IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2017 OF 2005

Gaurang Dinesh Talathi ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.A.P.Mundargi with Ms.Jyoti Singh for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 28, 2005.

P.C.

1. Heard Counsel for the parties.

2. This Application is filed by accused No.4. The prosecution case is that he is recipient of Rs.6,25,000/- (Rupees Six Lakhs Twenty-five Thousand) from the amount deposited in the account of Suhas Koparkar (accused No.3), whereas, the case of the Applicant is that his services were engaged by accused No.3 for obtaining letter of credit and

for which purpose, the amount was received by the Applicant towards his service charges. The fact that letter of credit has been issued on 21st December 2004 is not in issue. Copy of the letter of credit so issued, was placed before the Court. It is for an amount of 1,50,000 US $ and was valid up to 20th March 2005.

3. For the nature of amount involved in the letter of credit, prima facie, it is possible to accept the case of the Applicant that he has charged sum of Rs.6,25,000/- (Rupees Six Lakhs Twenty-five Thousand) towards his service charges. There is no charge of criminal conspiracy. Besides, investigation is complete and all the relevant documents have already been seized by the investigating agency.

4. Viewed in this perspective, the Applicant deserves to be released on bail on following conditions:

(a) The Applicant is granted bail in connection with C.R.No.14 of 2005 registered with

Kagal Police Station, District Kolhapur on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand) with one or two local sureties in the like amount.

(b) The Applicant shall report to the Investigating Officer as and when called upon for the purpose of investigation of the present case till the filing of the charge-sheet.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.